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1617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Group : 1617  
Examiner : Carlic K. Huynh  
Serial No. : 10/501,692  
Filed : July 15, 2004  
Inventors : Richard Smith-Carliss  
: Frank S. Caruso  
: Peter Crooks  
: Kenneth J. Kellar  
: Yingxian Xiao  
Title : ANALGESICS AND METHODS  
: OF USE

Customer No. 035811

Docket: END-04-1182PCT-US

Confirmation No.: 4419

Dated: May 29, 2007

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Certificate of Mailing Under 37 CFR 1.8**

For

Postcard  
Response

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

Name of Applicant, Assignee, Applicant's Attorney  
or Registered Representative:

DLA Piper US LLP  
Customer No. 035811

By: Victoria B. Meier

Date: May 29, 2007



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**RESPONSE**

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Sir:

This is submitted in response to the Official Action dated April 30, 2007.

The Applicants acknowledge the restriction requirement which divides the Application into Group I, including Claims 1-6; Group II, including Claims 7-12; and Group III, including Claims 13-32.

The Applicants elect, without traverse, Group III, including Claims 13-32. Consideration on the merits is respectfully requested.

The Applicants acknowledge the requirement for the election of species.

The Applicants elect the specific compound of Formula II wherein R1= R5 =phenyl, R2 = ethyl and R3=R4=methyl. The Applicants believe that at least Claims 13-16, 18-26 and 28-32 read on the elected compound.

The Applicants also elect HCl as the pharmaceutically acceptable salt. The Applicants believe that at least Claims 13-16, 18-20, 23-26 and 28-30 read on that pharmaceutically salt.

The Applicants specifically reserve the right to request rejoinder at an appropriate time. In the meantime, prompt examination on the merits is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'T. Daniel Christenbury', written in a cursive style.

T. Daniel Christenbury  
Reg. No. 31,750  
Attorney for Applicants

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